

KAMS610007422024



IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC.,
AT PERIYAPATNA.

-: P R E S E N T :-

Sri.YOGESHA M.R.,^{BA.LLB.},
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

OS.No.149/2024

*Dated this the **07th day of MARCH, 2026.***

PLAINTIFF/S : **1.** Jayamma K.B, 61 yrs,
W/o H.R.Yallakke Gowda,
2. Veena Jagadeshwari H.Y, 44 yrs,
D/o H.R.Yallakkegowda,
3. Bhagyalakshmi H.Y, 37 yrs,
D/o H.R.Yallakkegowda,
4. Vani Bhuvaneshwari H.Y, 36 yrs,
D/o Yallakkegowda,
5. Arunegowda H.Y, 42 yrs,
S/o Yallakkegowda,

The plaintiffs are
R/at Kanagalu Village,
Haranahalli Hobli,
Periyapatna Taluk,
Mysuru District.

[By Sri.NJ., Adv]

DEFENDANT/S : **V/s.,**

Shekhar K.V, 48 yrs
S/o late Venkataramanashetty,
R/at Kanagalu Village,
Haranahalli Hobli,
Periyapatna Taluk,
Mysuru District.

[By Sri.CKM., Adv]

Date of Institution of suit : **20.04.2024**

Nature of the suit : **PERMANENT INJUNCTION**

Date of commencement of
recording of evidence : **03.02.2026**

Date on which Judgment
was pronounced : **07.03.2026**

Total Duration : **YEAR/S MONTH/S DAY/S**
01 10 18

(YOGESHA M.R)
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

:- J U D G M E N T :-

The plaintiffs have filed this suit against the defendant for the relief of permanent injunction in respect of the suit schedule property.

2. Brief averments of the plaint is that;

(a). The suit schedule property was originally standing in the name of Kalegowda. After the death of the said Kalegowda, his only son by name Yalakkigowda got the Katha of the suit schedule property in his name. After the death of the Yalakkigowda, the Katha of the suit schedule property was mutated in the name of the plaintiffs. In the said manner, the plaintiffs are in possession and enjoyment of the suit schedule property. The sale deed reveals that, the suit land is situated by the Southern side of Kanagal river road as well as Eastern side of the Kanagal-Ramanathapur Road.

(b). The defendant had purchased 0-39.08 guntas of land in Sy.No.107 in the year 2019. At that time, the defendant colluding with K.Nagaraju S/o late Krishnappa has falsely shown the boundary towards the Eastern side of the land. At the time of the durasthi, the survey officials have also divided the Sy.No.107/1 as Sy.No.107/1 107/7, 107/8, 107/9, 107/10, 107/11. This happened behind the back of the plaintiffs. The survey officials have thrown the rules into the air in order to help the defendant by hook or crook. The said officials have no right to change the boundaries of the suit schedule property. *Hence, this suit.*

3. After registration of suit; the summons was issued to the defendant. The defendant appeared through his counsel and filed written statement from his side by denying the plaintiff's claim.

4. The Defendant in his written statement contended that:-

(a). The plaintiffs have made their efforts to purchase the land of the defendant in Sy.No.107/10, but he has refused to sell the same to the plaintiffs. Hence, just to wreck vengeance, the plaintiffs have filed the false suit against the defendant. The survey settlement documents clearly shows the exact location of the suit schedule property i.e., Sy.No.107/9 measuring 1 acre and also the land of the defendant in Sy.No.107/10 measuring 0-39 ½ guntas situated at Kanagalu Village, Periyapatna Taluk. *Hence prayed to dismiss the suit with exemplary cost.*

5. On the basis of the materials available on record, the following issues were framed.

ISSUES

- 1. Whether the plaintiffs prove that, they are in possession and enjoyment of the suit schedule property as on the date of filing of the suit ?*
- 2. Whether the plaintiffs further prove that, alleged interference by the defendant ?*
- 3. Whether the plaintiffs are entitled for the reliefs as sought in the plaint ?*
- 4. What order or decree ?*

6. The plaintiffs in order to substantiate their case, not adduced any evidence from their side. Infact, this court on 03.07.2025 framed the issues and the case posted for plaintiff evidence on 11.08.2025, 28.10.2025, 01.12.2025 and finally case posted for plaintiffs evidence on 03.02.2026. On 03.02.2026 this court taken the plaintiff

evidence as Nil. Thereafter, the case posted for defendant evidence. The defendant examined himself as DW.1 and adduced as many as 7 documents as per Ex.D1 to D7. The plaintiffs neither lead any evidence from their side nor cross examined the DW.1. Hence, the cross of the DW.1 taken as Nil and the case posted for arguments.

7. Heard from both sides and perused the materials available on record.

8. On the basis of the materials available on record, this court answered the above issues are as under;

ISSUE NO.1 : **"NEGATIVE"**

ISSUE NO.2 : **"NEGATIVE"**

ISSUE NO.3 : **"NEGATIVE"**

ISSUE NO.4 : As per final order

for the following;

:- REASONS :-

ISSUE No.1 TO 3 :-

9. Since these issues are interrelated to each other, they are taken up together in order to avoid the repetition of facts and better appreciation of evidence.

10. The case of plaintiffs is that, the suit schedule property was originally standing in the name of Kalegowda. After the death of the said Kalegowda, his only son by name Yalakkigowda got the Katha of the suit schedule property in his name. After the death of the Yalakkigowda, the Katha of the suit schedule property was mutated in the name of the plaintiffs. In the said manner, the plaintiffs are in possession and enjoyment of the suit schedule property. The sale deed reveals that, the suit land is situated by the Southern side of Kanagal river road as well as Eastern side of the Kanagal-Ramanathapur Road. The defendant had

purchased 0-39.08 guntas of land in Sy.No.107 in the year 2019. At that time, the defendant colluding with K.Nagaraju S/o late Krishnappa has falsely shown the boundary towards the Eastern side of the land. At the time of the durasthi, the survey officials have also divided the Sy.No.107/1 as Sy.No.107/1 107/7, 107/8, 107/9, 107/10, 107/11. This happened behind the back of the plaintiffs. The survey officials have thrown the rules into the air in order to help the defendant by hook or crook. The said officials have no right to change the boundaries of the suit schedule property.

11. In support of the plaint averments, the plaintiffs not adduced any oral and documentary evidence. Infact, this court on 03.07.2025 framed the issues and the case posted for plaintiffs evidence on 11.08.2025, 28.10.2025, 01.12.2025 and finally case posted for plaintiff evidence on

03.02.2026. In spite of sufficient opportunities, the plaintiffs not lead any evidence from their side. On 03.02.2026, this court taken the plaintiff evidence as Nil.

12. On the other hand, the contention of the defendant is that, the plaintiffs have made their efforts to purchase the land of the defendant in Sy.No.107/10, but he has refused to sell the same to the plaintiffs. Hence, just to wreck vengeance, the plaintiffs have filed the false suit against the defendant. The survey settlement documents clearly shows the exact location of the suit schedule property i.e., Sy.No.107/9 measuring 1 acre and also the land of the defendant in Sy.No.107/10 measuring 0-39 ½ guntas situated at Kanagalu Village, Periyapatna Taluk. The defendant examined himself as DW.1 and adduced as many as 7 documents as per Ex.D1 to D7.

13. The suit of the plaintiffs is for the relief of permanent injunction. The essential ingredients to be established are lawful possession of the property in respect of the relief sought. It is incumbent on the part of the plaintiffs to establish to the satisfaction of the court that, they are in possession of the suit schedule property on the date of filing of the suit and their induction into the possession of the suit schedule property was lawful in the beginning and continued to be so. The second ingredient which the plaintiffs have to establish is the interference by the defendant.

14. The burden of proving this issues were on the plaintiffs. The plaintiffs were required to lead oral and documentary evidence. However, in spite of sufficient opportunities to the plaintiffs, the plaintiffs have not lead any evidence. The plaintiffs have to stand on their own leg,

but the plaintiffs neither lead any evidence from their side nor cross examined the DW.1. Hence, the plaintiffs have failed to prove the plaint averments. Therefore, the plaintiffs are not entitle for the relief of permanent injunction as sought in the plaint. *Hence, this court answered the Issue No.1 to 3 in the **Negative**.*

ISSUE NO.4:-

15. In view of the above discussions, this court proceeds to pass the following;

ORDER

The suit of the plaintiffs is
hereby dismissed with cost.

Draw decree accordingly.

*(Dictated to the Stenographer directly on the computer, typed and transcribed by him and corrected and then pronounced by me in the open Court on this the **07th day of MARCH, 2026.**)*

(YOGESHA M.R)
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

:- ANNEXURES :-**List Of Witnesses Examined On Behalf Of The Plaintiffs: Nil****List Of Documents Marked On Behalf Of The Plaintiffs : Nil****List Of Witnesses Examined On Behalf Of The Defendant:**

DW.1 : SHEKHAR K.V.

List Of Documents Marked On Behalf Of The Defendant:

Ex.D1 : RTC Extract in respect of Sy.No.107/10

Ex.D2 : Registered Sale Deed Dated 09.10.2019

Ex.D3 : Encumbrance Certificate

Ex.D4 : Certified copy of Hudbust in respect of
Sy.No.107/10Ex.D5 : Certified copy of order passed in
Appeal No.235/2023-2024

Ex.D6 : Form No.11A

Ex.D7 : Form No.9

(YOGESHA M.R)
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